



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 16329

PERMIT 11460

LICENSE 11460 **3**

THIS IS TO CERTIFY, That

SCARBOROUGH, ROBINSON AND ASSOCIATES DBA *(over)*
CIRCLE-FIVE RANCH
C/O HOWARD STODDARD,
P. O. BOX 1071, LOS BANOS, CALIFORNIA 93635
HAVE made proof as of SEPTEMBER 2, 1970 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
LIVINGSTON DRAIN IN MERCED COUNTY

tributary to BEAR CREEK THENCE SAN JOAQUIN RIVER

for the purpose of IRRIGATION, STOCKWATERING AND RECREATIONAL USES
under Permit 11460 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from APRIL 21, 1955 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TWENTY-SEVEN (27) CUBIC FEET PER SECOND, TO BE DIVERTED
FROM APRIL 1 TO NOVEMBER 1 OF EACH YEAR FOR IRRIGATION, STOCKWATERING, AND
RECREATIONAL PURPOSES AND SIXTEEN-HUNDREDTHS (0.16) CUBIC FOOT PER SECOND, TO
BE DIVERTED FROM NOVEMBER 1 OF EACH YEAR TO APRIL 1 OF THE SUCCEEDING YEAR FOR
STOCKWATERING AND RECREATIONAL PURPOSES. SO LONG AS THERE IS NO INTERFERENCE
WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS RATE OF
DIVERSION TO A MAXIMUM OF 43.9 CUBIC FEET PER SECOND; PROVIDED THAT THE TOTAL
QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 1,620 ACRE-Feet. THE
MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 9,020 ACRE-Feet PER
YEAR.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) SOUTH 15 FEET AND EAST 1,320 FEET FROM NW CORNER OF SECTION 22, T7S, R11E, MDB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 22,
- (2) SOUTH 2,640 FEET AND EAST 20 FEET FROM NW CORNER OF SECTION 22, T7S, R11E, MDB&M, BEING WITHIN SW1/4 OF NW1/4 OF SAID SECTION 22,
- (3) SOUTH 978 FEET AND WEST 114.3 FEET FROM THE POINT OF INTERSECTION OF THE CENTER-LINES OF STATE HIGHWAY 140 AND HOWARD ROAD, BEING WITHIN SE1/4 OF SE1/4 OF SECTION 20, T7S, R11E, MDB&M,
- (4) WEST 1,950 FEET FROM NE CORNER OF SECTION 29, T7S, R11E, MDB&M, BEING WITHIN NW1/4 OF NE1/4 OF SAID SECTION 29,
- (5) NORTH 330 FEET AND EAST 1,860 FEET FROM SW CORNER OF SECTION 20, T7S, R11E, MDB&M, BEING WITHIN SE1/4 OF SW1/4 OF SAID SECTION 20,
- (6) NORTH 50 FEET AND WEST 50 FEET FROM SE CORNER OF SECTION 19, T7S, R11E, MDB&M, BEING WITHIN SE1/4 OF SE1/4 OF SAID SECTION 19,
- (7) SOUTH 50 FEET AND WEST 50 FEET FROM E1/4 CORNER OF SECTION 30, T7S, R11E, MDB&M, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 30,
- (8) NORTH 50 FEET AND WEST 50 FEET FROM SE CORNER OF SECTION 30, T7S, R11E, MDB&M, BEING WITHIN SE1/4 OF SE1/4 OF SAID SECTION 30, AND
- (9) SOUTH 860 FEET AND WEST 35 FEET FROM NE CORNER OF SECTION 6, T8S, R11E, MDB&M, BEING WITHIN NE1/4 OF NE1/4 OF SAID SECTION 6.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

IRRIGATION OF 3,450 ACRES NET WITHIN A GROSS AREA OF 3,919 ACRES, LOCATED WITHIN
SECTIONS 19, 20, 21, 22, 29, 30, 31 AND 32, T7S, R11E, MDB&M; AND SECTIONS 5 AND 6,
T8S, R11E, MDB&M, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water, AND TO PREVENT UNREASONABLE INTERFERENCE WITH VESTED RIGHTS.

[REDACTED]

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division, (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: SEP 10 1974

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger
Chief, Division of Water Rights

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2/10/78

5-25-78 asgd to Gallo Cattle Company, Joseph E. Gallo,
Michael Gallo + Linda Gallo dba Circle Fire Ranch
4-25-80 asgd to Gallo Bear Creek Ranch

2/13/92 assigned to Joseph E. Gallo

12/16/93 Not. of asgd: App#16329 Lic#10393
The Nature Conservancy & the U.S. Fish &
Wildlife Service

5/28/97 assigned to Joseph
Gallo Farms

7-6-00 asgd to Gallo Cattle Company, a California^{Limited} Partnership

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